

July 20, 2004 CPC



**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04PW0380

Project Swing

**Midlothian Magisterial District
At the Episcopal Church of the Redeemer**

REQUEST: Waiver of Development Standards

The applicant is requesting Planning Commission approval of a Development Standards Waiver regarding paving, specifically permission is requested to install an additional parking area with a gravel surface.

Specific language of Section 19-575 is included in the background section of this report.

RECOMMENDATION

Staff recommends approval of the request with one (1) condition for the following reasons:

REASONS:

1. The request substantially complies with the five (5) findings required for the Planning Commission to consider approval of the waiver. (See applicant's attached letter.)
2. The applicant's request is consistent with a previous request granted by the Planning Commission in 1997.

CONDITION

The surface treatment for the new parking lot must match the appearance of the surface treatment for the existing parking lot.

GENERAL INFORMATION

Associated Public Hearing Cases:

97PW0263 – (waiver for paving at church)

Developer:

Project Swing

Location:

East quadrant of the intersection of Winterfield and West Salisbury Roads. Site is to the west of the existing Episcopal Church of the Redeemer parking lot. Tax Id 725-715-5333 (Sheet 5 – parent parcel. Sheet 1 – subject site).

Existing Zoning and Land Use:

R-15 - Church

Size:

1.13 acres - area for parking and new playground

Adjacent Zoning and Land Use:

North - C-3; Vacant and Commercial

East - R-15; Residential

West - R-15; Residential

South - R-15; Residential

BACKGROUND

Section 19-514(d)(1).

With the exception of: (i) single-family residential and farm uses; (ii) areas where track-mounted equipment is stored or displayed; (iii) property in I-2 and I-3 Districts; or (iv) areas for the storage of customer vehicles in motor vehicle storage/towing lots, driveways and parking areas shall be paved with concrete, bituminous concrete or other similar material. Except in I-2 and I-3 Districts, surface-treated parking areas and drives shall be prohibited. Areas where track mounted equipment is stored or displayed and areas for the storage of customer vehicles in motor vehicle storage/towing lots shall have a minimum surface of six inches of No. 21 or No. 21A stone.

Except as detailed in the Environmental Engineering Department's Reference Manual, concrete curb and gutter shall be installed around the perimeter of all paved driveways and parking areas. Other curbing material of similar quality, such as brick or cobblestone, may be permitted through

site or schematic plan review. Drainage shall be designed so as not to interfere with pedestrian traffic.

The existing church was constructed in 1988. The parking lot was paved with surface treated brown river stone to create a 'Williamsburg' look. In 1997, an expansion to the parking lot was proposed. The church asked for and was granted approval for a waiver allowing them to use the same treatment used in the earlier lot. The church has stated that they will only permit construction of this new parking lot if it matches their existing lot.

CONCLUSIONS

The Zoning Ordinance requires that the Planning Commission consider five (5) findings in its determination of Development Standards Waiver requests. Staff believes the applicant's justifications substantially comply with the five (5) findings.

Staff recommends approval of the waiver with the one (1) condition.



June 28, 2004

Vanasse Hangen Brustlin, Inc.

Ref: Project S.W.I.N.G.

Chesterfield County Planning
Mr. Greg Allen
Director of Planning
P.O. Box 40
Chesterfield, VA 23832

Dear Mr. Allen:

Salisbury's Wish Into the Next Generation, or Project S.W.I.N.G., is a project initiated by the Salisbury Mother's Club to build a safe and engaging playground for the use of all children, regardless of their abilities and physical challenges. Area residents and businesses are working together to fund and build this playground to show the children and future generations how a community can unite and work towards a common goal. S.W.I.N.G. includes a new playground on the site and ancillary parking, with the intent of providing the surrounding community with a valuable recreational area.

According to Chesterfield County Zoning Ordinance section 19-514, all parking areas are to be "paved with concrete, bituminous concrete or other similar material." The proposed parking lot for Project S.W.I.N.G. is a small extension of the existing brown river stone surface treated paved church parking lot. The adjoining church, The Episcopal Church of the Redeemer, was granted an exception from the county code during the review process. The following addresses the waiver requirements as specified in Section 19-19 of the County Code.

The purpose of this letter is to request a waiver from county code, Section 19-514 paragraph d, requiring all parking areas to be asphalt paved and curb and gutter. A plan entitled "Project S.W.I.N.G." was submitted for site plan approval on March 31, 2004. This waiver request applies to the submitted plan.

1. The existing church parking lot, originally constructed in 1988 with additional parking added in 1997, has brown river stone surface treated paving and wood curbing. The stone and curbing blend well with the architecture of the church to create the appearance of a Williamsburg colonial church. Strict application of the development standards requiring asphalt paving and concrete curbing in the playground parking lot would provide an intrusion of modern elements that would degrade the look that has been carefully cultivated.
2. The request for the waiver is not for a special privilege, but instead to continue the specific architectural environment established in 1988 and continued in 1997. The paving and curbing are

important to this overall look, and if project SWING is required to change the type of paving and curbing used, the existing and new parking areas would not match.

3. This proposed parking lot expansion will only be minimally visible to the surrounding neighborhood, but where it can be seen, it will enhance the neighboring properties by providing a parking lot consistent with the character of the existing church. Furthermore, the brown river stone used for the surface treated paving is consistent with driveways in the Salisbury community. The wood curbing maintains the character of the residential neighborhood, has a more subtle, residential appearance, and performs the same function as concrete curbing. There will be no detrimental effects to the public health, safety or general welfare.

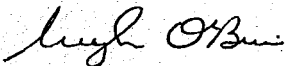
4. This waiver is for an extension of an existing parking lot with a unique architectural look and residential location. The elements that make the waiver appropriate are very specific to this case and not of a general or recurring nature.

5. The granting of this waiver will allow this project to comply with the comprehensive plan, which envisions a residential neighborhood. This waiver request reinforces the character of the residential neighborhood and does not promote a commercial atmosphere.

We are respectfully requesting Chesterfield Planning Commission's approval of Project S.W.I.N.G.'s request for waiver to section 19-514(d) for the above reasons. By granting this waiver, S.W.I.N.G. can make the community-funded, family-based vision a reality.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.



Meg O'Brien
Project Engineer

Cc: MarMary Lutge
Adrien Jacobs
Chris Johnson



June 30, 2004

Mr. Kevin Deloye
VHB
115 S 15th Street
Suite 200
Richmond, VA 23219

RE: Paving Recommendation
Project Swing
Episcopal Church of the Redeemer

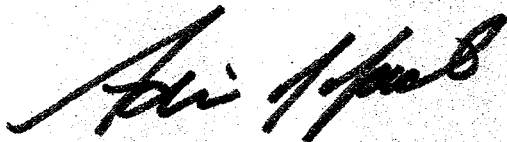
Dear Mr. Deloye:

After consulting with the Church leadership, we are willing to accept the use of the macadam asphaltic paving process that is currently used in the existing Church lot as the paving for the parking lot expansion that is proposed for the Swing Project.

Using this pavement process, the expansion parking lot will be identical to the existing paving that was approved as part of the previous variance.

If you have any questions in this matter please contact me at (804) 378-9339 x 104

Respectfully,

A handwritten signature in black ink, appearing to read "Adrien J. Jacob".

Adrien J. Jacob
Episcopal Church of the Redeemer
Project Swing Representative

Copy: Mr. Robert Steinberg – Senior Warden
Ms. Mar-Mary Lutge – Project Swing

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1978, AS AMENDED, BY AMENDING
AND REENACTING SECTION 19-19 RELATING TO
MODIFICATIONS TO DEVELOPMENT STANDARDS AND REQUIREMENTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

- (1) *That Section 19-19 of the Code of the County of Chesterfield, 1978, as amended, is amended and reenacted to read as follows:*

Sec. 19-19. Planning commission may grant modifications to development standards and requirements.

(a) Except for those development standards or requirements which must be modified by the granting of a variance, special exception, conditional use or a rezoning, the planning commission may grant modifications, with or without conditions, to development standards or requirements specified in this chapter. The planning commission shall fix a reasonable time for the hearing of an application under this section and decide the same within 60 days after its first hearing on the matter, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the request.

(b) No modification to a development standard or requirement shall be authorized by the planning commission unless it considers and determines substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or nearby properties or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such properties the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

- (5) The granting of such modification will allow the project to comply with the comprehensive plan.

(c) In authorizing a modification, the planning commission may impose conditions regarding the location, character and other features of the proposed building, structure or use as it may deem necessary to the public interest; and it may require a guarantee or bond to remain in effect until compliance with such conditions has occurred.

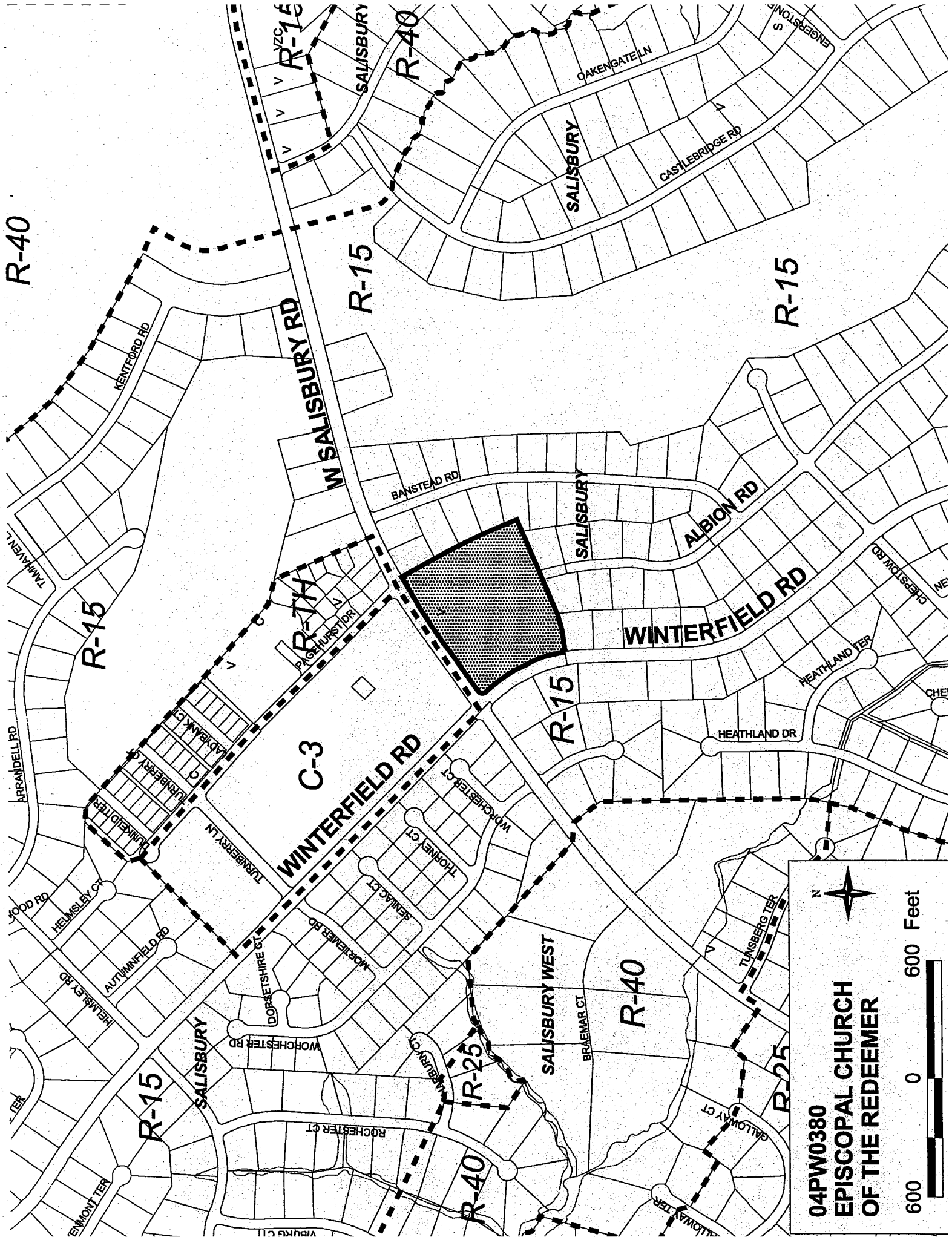
(d) The planning commission shall not grant more than the minimum necessary modification to the appropriate development standard or requirement to resolve the hardship. The planning commission shall not grant a permanent modification to a standard or requirement if a temporary modification will suffice. A temporary modification may be granted if the planning commission determines that permanent compliance will be obtained in a future phase of development.

(e) The planning commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the board of supervisors or the board of zoning appeals, unless such condition specifically grants such modification authority to the planning commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.

(f) If the applicant disagrees with the planning commission's final decision, he may file a written appeal with the circuit court within 60 days of that decision. In addition, adjacent property owners may appeal the planning commission's final decision by filing a written appeal with the circuit court within 60 days of that decision. Adjacent property owners' appeals shall be limited to conditions which directly affect the property owners and include access, utility locations, buffers, conditions of zoning, architectural treatment and land use transitions. The court shall fix a reasonable time for hearing the appeal. During the appeal, the director of planning shall not approve any applicable site plan, building permit or record plat for any construction that would or could be affected by the appeal.

(Code 1978, § 21.1-12.1; Ord of 6-12-96, § 1)



04PW0380
EPISCOPAL CHURCH
OF THE REDEEMER



